UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/436,465	11/08/1999	JUNICHI REKIMOTO	112857-188	6689

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ART UNIT	PAPER NUMBER
2179	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
	09/436,465	REKIMOTO, JUNICHI
Office Action Summary	Examiner	Art Unit	
	Mylinh Tran	2179	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>05 October 2007</u>.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>44-59</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>44-59</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>10/05/07</u>.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____ .

DETAILED ACTION

Applicant's amendment filed on 10/05/07 has been entered

and been carefully considered. Claims 44 and 52 have been amended.

However, the limitations of the amended have not been found to be patentable

over prior art of record, therefore, claims 44-59 are rejected under the same

ground of rejection as set forth in the Office Action mailed (07/05/07).

Claim Objections

Claim 51 is objected to because of the following informalities: claim 51 is

dependent on claim 40 which has been canceled. Appropriate correction is

required.

Claim Rejections - 35 USC § 102

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 44-48, 50-56 and 58-59 are rejected under 35 U.S.C. 102(e) as

being anticipated by Hochmuth [US. 2002/0075319].

As per independent claims 44 and 52, Hochmuth et al. teach a computer

implemented method and corresponding system for information processing

comprising the steps/means:

a plurality of different types of application programs, wherein each respective

application program corresponds to its own application data in a desktop

environment (page 2, 0020-0021);

a storage device for repeatedly storing the corresponding application data in a

plurality of different stored states in the desktop environment, wherein each of

said different stored state of said application data includes at least time

information corresponding to at least one of a day and time at which said

application data is stored in the desktop environment (0029);

a time setting means for setting at least one of desired day and time in which

the state of one or more of the application programs is to be reproduced (page

2, 0023);

a receiving device for receiving the time information corresponding to at least

one of a day and time (page 3, 0029);

a controller for locating, based on the received time information, a desktop

environment containing the state of application data from the stored plurality of

different sets of said application data at about at least one of said set day and

time; and for reproducing the state of the application program by selecting the

application the application data in located the desktop environment (page 3,

0024);

a transmitting device for transmitting time information when the state of

application data for any of the application program is changed, wherein the time

information is processed according to the type of application program in which

the state of application data has changed (0024);

As per claims 45 and 53, Hochmuth teaches the application program

containing a file management program for managing files (figure 3).

As per claims 46 and 54, Hochmuth teaches said application program

containing a position and time information management program for managing

input position information and the time information corresponding to the position

information (page 1, 0009 and page 3, 0032).

As per claims 47 and 55, Hochmuth teaches the application program being

capable of multicasting said time information to said plurality of other application

program belonging to a particular group (0030-0031).

As per claims 48 and 56, Hochmuth teaches said application program being

an application started by a same user (pages 2-3, 0023-0024).

As per claims 50 and 58, Hochmuth teaches a display for displaying the

desktop environment containing the plurality of different stored states of the

application data (figure 3).

As per claims 51 and 59, Hochmuth teaches the application data being

displayed as an icon or a tag corresponding to an application program (figure

3).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for

all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 49 and 57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hochmuth in view of Wu et al. [6,633,924].

As per claims 49 and 57, Wu et al. discloses the application program operating on a different computer than said another application program (column 3, lines 42-51). It would have been obvious to one of skill in the art, at the time the invention was made, to combine the teaching of Hochmuth of plurality of different states as claimed with the teachings of Wu. Motivation of the combination is for the advantage of reliability, simplicity of the synchronization manager.

Response to Arguments

Applicant has argued that Hochmuth does not teach or suggest "the time information is processed according to the type of application program in which the state of application data has changed". However, the examiner respectfully disagrees because when a user accesses a program to execute it, or otherwise accesses a file via the GUI, that event is logged in a desktop event log. The desktop event log includes a reference to the program, or files and the date and time of the access (0009). The time information is processed according to the type of application program as programs or files. Hochmuth's figure 3 showed

plurality of different programs and files on the desktop. Each of the programs
and files is recorded a different time stamp when the program or file is
accessed. It is inherent that when the state of application data for any of the
application programs is changed, the time information is processed according to
the type of application program (programs or files as "Clock, File, Waste
Basket, Printers, Agent….") in which the state of application data has changed.
It is noted that the claimed language itself "according to the type of application
program" is not specific and clear enough to describe the *invention
specification. The term of "the type of application program" is a broad term.*
During patent examination, the pending claims must be "given >their< broadest
reasonable interpretation consistent with the specification." > In re Hyatt, 211
F.3d 1367, 1372, 54 USPQ2d 1664, 1667 (Fed. Cir. 2000). Although the claims
are interpreted in light of the specification, limitations from the specification are
not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d
1057 (Fed. Cir. 1993).

Applicant always has the opportunity to amend the claims during prosecution,
and broad interpretation by the examiner reduces the possibility that the claim,
once issued, will be interpreted more broadly than is justified. In re Prater, 415
F.2d 1393, 1404-05, 162 USPQ 541, 550-51 (CCPA 1969).

Applicant also argued that Hochmuth does not teach or suggest the feature of
"setting at least one of desired day and time in which the state of one or more of
the application programs is to be reproduced."

However, in step 400, the files accessed via the graphical user interface are

monitored. In a step 402, a reference to each file accessed, is stored in a log

along with a time stamp indicating when the event occurred (0023). Whenever

the file or program is accessed, a time stamp is recorded. The desired day and

time is whenever time stamp of each program or file is recorded. Then, the

application program or file is reproduced to display on the desktop again. After

the file or the application program is accessed and recorded, the state of the file

or the program has changed. Then, the state of the desktop environment

contained the files and programs have been reproduced.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension

of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire

THREE MONTHS from the mailing date of this action. In the event a first reply

is filed within TWO MONTHS of the mailing date of this final action and the

advisory action is not mailed until after the end of the THREE-MONTH

shortened statutory period, then the shortened statutory period will expire on

the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In

no event, however, will the statutory period for reply expire later than SIX

MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications

from the examiner should be directed to Mylinh Tran. The examiner can

normally be reached on Mon - Thu from 7:00AM to 3:00PM at 571-272-4141.

The fax phone numbers for the organization where this application or

proceeding is assigned are as follows:

571-273-8300

Information regarding the status of an application may be obtained from

the Patent Application Information Retrieval (PAIR) system. Status information

for published applications may be obtained from either Private PAIR or Public

PAIR. Status information for unpublished applications is available through

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http://pair-direct.uspto.gov. Should you have questions on access to the Private

PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197

(toll-free).

Mylinh Tran

Art Unit 2179

WEILUN LO
SUPERVISORY PATENT EXAMINER